



# FASD: Questions and Answers



## *How To Choose A Criminal Lawyer For Your Child or a Person With FASD*

*by David Boulding*

These few sentences are intended for parents and caregivers of persons with the brain based birth defect often called Fetal Alcohol Spectrum Disorder. Social services staff, probation officers, teachers and like-minded folks might also find some comfort here.

I have some 15 years experience as a criminal lawyer, both prosecution and defence. Like many lawyers, I have made many mistakes as a lawyer when dealing with clients with fetal alcohol issues. I intend here to suggest ways you and your lawyer can avoid some of the mistakes I have made.

Choosing a lawyer can be difficult because most people touch the law when they sell or buy their house, or have a will made or interpreted. Most members of any public audience have formed their impressions of what a lawyer does and is from these mild encounters.

I trust you know that neither Hollywood, nor the million-channel TV universe, has much reality when it comes to law and lawyers.

A criminal defence lawyer usually only does criminal work. He or she may have a few side areas of law, but the focus is always on defending people who have criminal problems. Thus, ALWAYS avoid a lawyer who says he has a general practice of real estate, family and corporate law.

Start looking in the yellow pages of the phone book. A quick scan will reveal that most lawyers that

advertise indicate their practice is restricted to personal injury work. Then, notice that a few say their work is restricted to criminal defence. This gives you a list from which to choose.

If you have friends who have contacts in the police department or at the courthouse ask them. It is a universal truth, quietly acknowledged, that the police always know who the good lawyers are. When police, lawyers, court staff, probation officers, by-law enforcement staff, and other such ordinary people get in trouble they seem to use the same lawyers—good defence lawyers. Asking your local constable is a good start. In addition, take the advice carefully, remembering how much you paid for it.

From the short list you have gathered from the yellow pages, phone a few. Choosing a lawyer should consume more time and energy than buying a new car or truck. So phoning five or six lawyers is a good start, but probably not enough to make an informed decision. You may have to speak to ten and you may have to ask probation officers or friends at work. Think especially of those who have had occasion to use a criminal lawyer.

Rarely will lawyers tell you much about themselves or their practice over the phone. After you have tried the above methods, you need to interview lawyers in their offices.

The trick is to find a competent criminal defence lawyer you like and trust—LIKE AND TRUST.

These words must be your standard. If you like her, your communication will be excellent. If you trust him, you will have the sense of being heard, of being seen in your problem and you will understand what is happening to your child.

Do not worry if your lawyer knows nothing about FASD. You can educate a criminal lawyer quickly. No one learns as quickly as a criminal lawyer does with a file in hand.

Do not gauge criminal lawyers by the furniture in the waiting room. Do not expect her to be gushing, emotional or use fluffy social language at your arrival in the office like a commission sales clerk. The business of criminal law is deadly serious and your lawyer will get immediately to business.

Money matters need quick clarification and agreement. Lawyers are expensive, and few and fewer are accepting legal aid. Here you will be guided by your income. If you cannot pay for the one you have selected, she will gladly suggest one suitable to your ability to pay.

Disclaimer: ***Living with FASD*** offers this question and answer column as general information. It is not intended as a substitute for professional advice on medical, behavioural, educational, or legal matters specific to your situation. This response has been printed with consent from the Mr. Boulding. The Network thanks him for generously sharing his knowledge. If you have a question, concerns, or would like more information on this topic, contact the Network office; see contact information on page 16.